

E-FILED 9/29/2009

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

No. C07-03798 JW (HRL)

v. Plaintiff,

ORDER RE PARTIES' REQUEST FOR AN ORDER SHORTENING TIME

KENNETH L. SCHROEDER,

[Re: Docket No. 175]

Defendant.

Plaintiff Securities Exchange Commission, defendant Kenneth L. Schroeder and non-party witness Joy Nyberg jointly request an order shortening time for briefing and hearing on Schroeder's anticipated motion to compel Nyberg to appear for two days of deposition. Having considered the request, this court orders as follows:

Schroeder's motion to compel shall be filed by **October 1, 2009**. Nyberg's response (and any response the SEC wishes to file) is due by **October 6, 2009**. Schroeder's reply shall be filed by **October 8, 2009**. Upon submission of the briefs, and unless otherwise ordered, this court intends to issue its ruling on the papers without oral argument.

Additionally, while the details of the present discovery dispute currently are unknown, this court notes that depositions extending beyond one day (seven hours) is the exception and not the rule. And, the court is skeptical of the need to allot more than seven hours for the deposition of non-party witnesses. Parties seeking to enlarge the presumptive limit, particularly

1 when those seven hours have not yet been exhausted, bear a considerable burden in persuading
2 that more time is necessary for a fair examination of the deponent.

SO ORDERED.

4 || Dated: September 29, 2009



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

United States District Court

For the Northern District of California

United States District Court

For the Northern District of California

5:07-cv-03798-JW Notice has been electronically mailed to:

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